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**From:** Santell, Stephanie [Santell.Stephanie@epa.gov]  
**Sent:** 2/11/2019 6:58:56 PM  
**To:** Goodin, John [Goodin.John@epa.gov]  
**Subject:** Re: Quickturn ask for TP review/update re 404G rule and FI assumption effort

Will do!

Sent from my iPhone

On Feb 11, 2019, at 1:26 PM, Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)> wrote:

Thanks—I'll take a quick look—hard copy best.

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**From:** Santell, Stephanie  
**Sent:** Monday, February 11, 2019 12:39 PM  
**To:** Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>  
**Subject:** FW: Quickturn ask for TP review/update re 404G rule and FI assumption effort

FYI- as soon as I get edits from them, I will send them to you to review. If you don't feel the need to review them, just let me know and I will send on to Allison.

Steph

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**From:** Eisenberg, Mindy  
**Sent:** Monday, February 11, 2019 11:58 AM  
**To:** McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>  
**Cc:** Santell, Stephanie <[Santell.Stephanie@epa.gov](mailto:Santell.Stephanie@epa.gov)>  
**Subject:** FW: Quickturn ask for TP review/update re 404G rule and FI assumption effort

Hi Folks,  
Please see Allison's email below about TPs for Anna and provide updates by this afternoon.

Thanks!

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**From:** Dennis, Allison  
**Sent:** Monday, February 11, 2019 11:48 AM  
**To:** Santell, Stephanie <[Santell.Stephanie@epa.gov](mailto:Santell.Stephanie@epa.gov)>  
**Cc:** Bravo, Antonio <[Bravo.Antonio@epa.gov](mailto:Bravo.Antonio@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Subject:** RE: Quickturn ask for TP review/update re 404G rule and FI assumption effort

Note: these are TPs we gave to the same group (FL League of Cities) last October so hopefully we can provide some new material/updates here.

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**From:** Dennis, Allison

**Sent:** Monday, February 11, 2019 11:39 AM

**To:** Santell, Stephanie <Santell.Stephanie@epa.gov>

**Cc:** Bravo, Antonio <Bravo.Antonio@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>

**Subject:** Quickturn ask for TP review/update re 404G rule and FI assumption effort

**Importance:** High

Anna will be giving remarks to the Florida League of Cities who are being hosted at the WH tomorrow. She wants to give a status update on the CWA 404G rule and associated Florida assumption effort. Below are some prior TPs we have used to describe each effort. **Is there any way you can review and give me edits NLT 5 pm today so that Anna can review tonight and we can make any needed updates/edits tomorrow morning? -Allison**

#### **CWA 404g - General**

- I'd also like to talk about Clean Water Act Section 404 – both the national rulemaking we are undertaking and what we are doing to support Florida and other states.
- First, The Trump Administration is working very hard to support state and tribal assumption of the Section 404 permit program under the Clean Water Act (CWA).
- Under Section 404, a permit is required before dredged or fill material can be discharged into navigable waters or certain wetlands. Infrastructure projects like highways or airports, mining operations, dam or levee construction, or other economic development projects typically require 404 permits.
- By empowering states and tribes to take on this permitting responsibility, greater efficiencies can be achieved in infrastructure and other permitting decisions while continuing to protect the environment.
- We saw that result as EPA began approving delegated state programs for CWA section 402 program, and we expect the same result for section 404 assumption.
- To date however, only Michigan and New Jersey have assumed administration of the 404 program. The Army Corps retains permitting authority for the rest of the country. More than ten states and tribes are currently working toward or investigating the possibility of assuming the 404 program, including Florida, Arizona, and Minnesota.
- As a first step to improving the 404 assumption process for states and tribes, the Army Corps issued a guidance memo on July 30, 2018, clarifying which water bodies the Corps must retain CWA authority over even after a state or tribe assumes the 404 program. This guidance is consistent with the recommendations of a recent Federal Advisory Committee report.
- The Army Corps followed its July guidance memo by sending letters to all fifty State Governors and leaders of all Federally recognized tribes encouraging them to assume the 404 permitting authority.
- On September 20, 2018, Acting Administrator Wheeler also sent a message to all state Governors and all Tribal leaders regarding EPA's support for Assumption. This letter included a helpful checklist so interested states and tribes can understand the process and starting moving toward assumption if that is of interest.

- EPA has also initiated a rulemaking effort to modernize and clarify the Section 404 state assumption process.
- We will be engaging with states, tribes and other stakeholders this fall to gather critical input prior to issuing a proposed rule.

#### **CWA 404g – Florida**

- Florida approached EPA in June 2017 expressing interest in assuming the 404 program. EPA is actively engaged with the Florida DEP to facilitate development of a complete assumption package.
- The work we do in Florida will likely be a blueprint for work we do in other states as they pursue 404 assumption.
- EPA has also initiated discussion with the Army Corps, U.S. Fish and Wildlife Service, National Marine Fisheries Service and our other sister agencies to explain the 404 assumption process and each agencies' role during and after a state program is approved.

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